

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

MICHAEL KELLY,	)	
	)	
PLAINTIFF,	)	
v.	)	CASE NO.: 3:05-cv-1215-MEF
	)	
BOOKER BROWN and DEPARTMENT	)	(WO-Not Recommended for Publication)
OF VETERANS AFFAIRS,	)	
	)	
DEFENDANTS.	)	

**ORDER**

On June 16, 2006, counsel for the Defendant Department of Veterans' Affairs notified the Court that Defendant Booker Brown had died. No motion for substitution has been made. Accordingly, it is hereby

ORDERED that all claims in this action against Defendant Booker Brown be DISMISSED with prejudice pursuant to the provisions of Rule 25(a)(1) of the Federal Rules of Civil Procedure. It is further ORDERED that the name of Booker Brown shall be removed from the caption of this case on all further documents filed in this action.

DONE this the 9<sup>th</sup> day of November, 2006.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE